

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT
CORPORATION, YAHOO! INC.,
IAC SEARCH & MEDIA, INC., and
A9.COM, INC.,

Defendants.

Case No. 2:07-cv-432 (LED)

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE AS TO A9.COM

The plaintiff, Performance Pricing, Inc., and defendant A9.com, Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims against and counterclaims by A9.com, Inc. in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled "PATENT LICENSE AND SETTLEMENT AGREEMENT" and dated November 13, 2008, with each party to bear its own costs, expenses and attorneys fees, and with the Court to retain jurisdiction to enforce or construe the agreement.

Dated: November 17, 2008

By: /s/ Christin Cho

Christin Cho
CA State Bar No. 238173
Email: christin@dovellaw.com

Gregory S. Dovel
CA State Bar No. 135387
Email: greg@dovellaw.com

Sean Luner
CA State Bar No. 165443
Email: sean@dovellaw.com
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401

Telephone: 310-656-7066
Facsimile: 310-657-7069

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Capshaw DeRieux, L.L.P.
Energy Centre
1127 Judson Road, Ste 220
P. O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: capshaw@capshawlaw.com
Email: ederieux@capshawlaw.com

Robert M. Parker
State Bar No. 15498000
Email: rmparker@cox-internet.com
Robert Christopher Bunt
State Bar No. 00787165
Email: cbunt@cox-internet.com
Parker & Bunt, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

***Attorneys for Plaintiff Performance
Pricing, Inc.***

By: /s/ Jeffrey S. Love
(with permission by Christin Cho)
Kristin L. Cleveland
OR Bar No. 001318
Jeffrey S. Love
OR Bar No. 87398
Richard D. McLeod
Texas Bar No. 24026836
KLARQUIST SPARKMAN, LLP
121 S.W. Salmon St., Suite 1600
Portland, OR 97204
Telephone: 503-595-5300
Facsimile: 503-595-5301

David A. Zapolsky
Vice President and Associate
General Counsel
AMAZON.COM, INC.
P.O. Box 81226
Seattle, Washington 98101
(206) 266-1323
(206) 266-7010 (FAX)

Andy Tindel
Texas Bar No. 20054500
Provost Umphrey Law Firm, LLP
112 E. Line Street, Suite 304
Tyler, Texas 75702
(903) 596-0900
(903) 596-0909 (FAX)

Attorneys for Defendant
A9.COM, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was served on all counsel of record by E-mail and/or Federal Express this 17th day of November, 2008.

/s/ Christin Cho _____
Christin Cho